

CITY OF DECATUR, TEXAS

Subdivision Ordinance



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CHAPTER I

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. This Ordinance may be known and cited as the “Decatur Subdivision Ordinance” and will be referred to herein as “this code”.

101.2 Referenced Documents. The *Design Criteria and Construction Standards* are hereby adopted as a part of this Ordinance and shall be in full force and effect from and after the effective date of the ordinance. This document, herein referred to as *Design Standards*, shall be maintained by and kept current by the City Engineer and/or Planning Director and is available for viewing in the office of the City Secretary.

101.3 Authority. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (codified as Chapter 212 of the *Texas Local Government Code*).

101.4 Purpose. This Ordinance was created to provide for the orderly, safe and healthful development of the area within the City and within the extraterritorial jurisdiction of the City; promote the health, safety and general welfare of the community; establish orderly policies and procedures to guide development of the City; provide for establishment of minimum specifications for construction and engineering design criteria to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate environmental conditions; ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides, or other such menaces; provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation; furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved.

101.5 Interpretation. In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum

requirements for the platting and developing of subdivisions in the City of Decatur, and, where other ordinances of the City are more restrictive in their requirements, such other ordinances shall control.

101.6 Fees. A fee for service shall be charged. All fees shall be set by the jurisdiction and an officially adopted *Fee Schedule* shall be available at the office of the City Secretary.

101.7 Severability & Validity. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

101.8 Effective Date. This Ordinance shall be in full force and effect immediately upon its passage.

101.9 Amendment. The City Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. It is the responsibility of the Developer to obtain the most current Subdivision Ordinance as adopted by the City Council.

SECTION 102 REQUIREMENTS

102.1 Compliance to This Code. No subdivider shall subdivide any tract of land that is located within the City or within its exclusive extraterritorial jurisdiction and neither within another city nor within the exclusive extraterritorial jurisdiction of another city, as defined by Article 970a, Revised Civil Statutes of Texas, except in conformity with the provisions of this Ordinance.

102.2 Compliance to Other Codes. All subdivisions and development shall comply with other adopted codes whether specified herein or not, including, but not limited to, the *Design Standards*, *Master Plan* and *Zoning Ordinance*.

102.3 Plat Required. The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of the City of Decatur who divides the tract into two or more parts to lay out a subdivision of the tract, including an

addition to the City of Decatur, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts must have a plat of the subdivision prepared.

102.4 Penalty for Violation. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as allowable by state law, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

102.5 Improvements Required. The subdivider shall furnish, extend, install and/or construct all infrastructure, including but not limited to, the water and sanitary sewer systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the *Design Standards* referenced as part of this Ordinance, the *Master Plan* and other standards, specifications and drawings as may be hereafter adopted, approved by the City Council and placed on file in the office of the City Secretary.

Where considered necessary by the City Engineer and/or Planning Director or shown on the *Master Plan*, the facilities shall be sized in excess of that dictated by the *Design Standards* to provide for future growth and expansion.

SECTION 103 VARIANCES

103.1 Authority. The Planning and Zoning Commission may recommend and the City Council may authorize a variance from these subdivision regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance.

103.2 Special Circumstances Required. The Planning and Zoning Commission shall not propose a variance unless there are special circumstances or conditions influencing the subdivision involved.

103.3 Conditions Advantageous to Public Interest. In the *recommendation* of a variance, the Planning and Zoning Commission shall set out the conditions that it finds necessary or advantageous to the public interest in proposing such variances that will not have the effect of nullifying the intent and purpose of these regulations.

In *granting* a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.

103.4 Procedure. The Planning and Zoning Commission, in the recommendation of a variance to the City Council, shall submit to them a letter containing all the specific facts and pertinent data upon which such a variance has been based.

103.5 Financial Hardship Insufficient. Financial hardship to the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.

103.6 Variances to Meet Intent of Code. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done.

103.7 Criteria for Approval. In making the findings herein below required, the Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

103.8 Conditions for Approval. No variance shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land, and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area, and
4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

103.9 Findings Recorded. Findings of the Council shall be entered into the official minutes of the Council Meeting.

103.10 Council Decision Final. Findings of the Council

after due consideration of the material submitted by the Planning and Zoning Commission shall be final.

103.11 Appeals. Any subdivider aggrieved by a finding or action of the Commission and/or Council shall appeal by filing written Petition in a court of competent jurisdiction within thirty (30) days from the date of such finding or action and not thereafter.

SECTION 104 SPECIAL PROVISIONS FOR ENFORCEMENT

104.1 Conditions for Filing Plat. A subdivision plat shall not be filed of record until it has been approved by the Planning and Zoning Commission and the City Council, the Developer has completed improvements and provided required maintenance bond(s), and such improvements have been properly inspected, approved and dedicated to the City. Any actual recording shall be void unless such approval shall be endorsed on the face of the plat as hereinafter provided.

104.2 No Construction until Plat Approved. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the final plat being approved by the City Council.

104.3 No Plat Changes without Approval. No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given by the Planning and Zoning Commission and the City Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Planning and Zoning Commission and the City Council.

104.4 No Building Permit without Services. No building permit shall be issued by the City for any structure on any lot in a subdivision that is not serviceable by the community sanitary sewer collection system and fresh water distribution system.

104.5 No Permits without Full Compliance. No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision which the standards contained herein or referred to herein have not been complied with in full.

104.6 No City Authorization without Full Compliance. The City shall not authorize any other person nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or

referred to herein have not been complied with in full.

The City shall not authorize any other person nor shall the City itself sell or supply any water, gas, electricity or sanitary sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

104.7 No Dedications on Disapproved Plats. Disapproval of a plat by the Council shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use or improvement. The Council in any manner provided by law may vacate any such dedication, before or after actual appropriation.

104.8 City Attorney to Institute Appropriate Action. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Ordinance.

104.9 Other Affected Parties May Resort to Court. In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

104.10 Resolution of Non-Compliance. If any subdivision occurs for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council shall pass a resolution reciting the facts of such non-compliance and failure to secure final plat approval, and reciting the fact that the provisions of this Section will apply to the subdivision and the lots therein.

The City Secretary shall, when directed by Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed of Records of the County in which such subdivision or part thereof lies.

If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed of Records of such county stating that the provisions of this section no longer apply.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability and Directive Terms. For the purposes of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The term "shall" is always mandatory.
5. The term "may" is directive.

201.3 Terms Defined in Other Codes. Where terms not defined in this code are defined in other City codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms Not Defined. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

SECTION 202 DEFINITIONS

Abandonment: The legal process by which land dedicated to public use may revert to private use.

Addition: See *Subdivision*.

Administrative Officers: Any office referred to in this Ordinance by title, e.g., Building Official, City Secretary, City Attorney, City Engineer, Director of Public Works, Planning Director, etc., shall be the person so retained in this position by the City or their duly authorized representative.

Alley: A minor public right-of-way not intended to provide

the primary means of access to abutting lots which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year, determination based upon Federal Emergency Management Agency (FEMA) guidelines and as shown in the current effective Flood Insurance Study.

Block: A tract or parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways, highway, stream or corporate boundary lines.

Building: Any structure built for support, shelter or enclosure of persons, animals or movable property of any kind.

Building Official: The building inspector charged with the responsibility for issuing building permits and enforcing the Building Code of the City of Decatur Texas.

Building Permit: An official certificate issued by the City through the Building Official that indicates that the subdivision has been approved, the plat has been recorded and that construction may begin.

Building Setback Line: The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street line or property line.

Certificate of Occupancy: An official certificate issued by the City through the Building Official which indicates conformance with City standards, regulations and conditions of zoning variances, if applicable, and that authorizes legal use of the premises.

City: The City of Decatur, Texas, together with all its governing and operating bodies.

City Council: The duly elected governing body of the City of Decatur, Texas.

City Engineer: "City Engineer" shall apply only to such licensed professional engineer or firm of licensed professional engineers that has been specifically designated as such by resolution of the City Council or the person so retained in this position by the City or their duly authorized representative.

Commission: See *Planning and Zoning Commission*.

Comprehensive Master Plan: The plan adopted by the City Council as the official policy regarding the guidance and coordination of the development of private and public land in the City of Decatur, Texas.

Construction Plans: See *Engineering Plans*.

County: Wise County, Texas

Cul-de-sac: A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet.

Design Standards: The *Design Criteria and Construction Standards* adopted as a part of this Ordinance.

Developer: See *Subdivider*.

Easement: An area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Engineer: A person duly authorized under the provisions of the *Texas Engineering Practice Act*, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Engineering Plans: A set of drawings and/or specifications, including paving, water, wastewater, drainage or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

Extraterritorial Jurisdiction: The unincorporated area of the County that is contiguous to the corporate boundaries of a municipality, more specifically described in Section 42.021 of the *Local Government Code*, as may exist or be amended in the future.

Fee Schedule: The officially adopted *Fee Schedule* on file

in the office of the City Secretary.

Final Acceptance: Acceptance by the City of Decatur of all infrastructure improvements constructed by the Developer in conjunction with the development of land.

Final Plat: (Also known as *Record* or *Filing Plat*) The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.

Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth of a foot. The final Plat of any lot, tract or parcel of land shall be recorded in the Records of Wise County, Texas.

Flood Hazard Boundary Map (FHBM): An official map issued by the Federal Insurance Administration (FIA) where the areas of special flood hazards have been designated.

Flood Insurance Rate Map (FIRM): An official map on which the FIA has delineated both the areas of special flood hazards and the risk premium zones applicable to flood insurance.

Flood Insurance Study: The official report provided by the FIA containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Flood Plain: The area subject to be inundated by water from the base flood.

Floodway: A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.

Floodway Easement: A drainage area dedicated to the city for control and maintenance of a flood plain.

Home-Owners Association: (Also known as Property Owners Association) A formal nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property, and (c) the charge if unpaid, becomes a lien against the nonpaying member's property.

Infrastructure: All streets, alleys, sidewalks, storm

drainage, water and wastewater facilities, utilities, lighting, transportation and other facilities as required by the City of Decatur.

Land Planner: Persons other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and shall be a member of the A.I.C.P.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement which is designated as a distinct and separate tract and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Master Plan: See *Comprehensive Master Plan*.

Off-site: Located outside the boundary of a development.

On-site: Located within the boundary of a development.

Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the faces of the curbs. Otherwise, it is the portion between the edges of the pavement.

Planning and Zoning Commission: The regulatory body that is responsible for managing the growth and development of the city and for recommending zoning district boundaries and appropriate regulations.

Planning Director: The administrative official charged with enforcing zoning ordinances, development criteria and floodplain administration, or the Planning Director's duly authorized representative

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scaled drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

Pre-application Plan: A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of

the City Administrator, Planning and Zoning Commission, City Engineer or others who are consulted prior to the preparation of the Preliminary Plat.

Property Owners Association: See *Home-Owners Association*.

Record Plat: See *Final Plat*.

Replatting: The re-subdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Resubdivision: See *Subdivision*.

Right-of-Way: That portion of the subdivision dedicated for public streets with the adjacent lot lines being the boundaries of the right-of-way.

Street: A public right-of-way, however designated, which provides vehicular traffic access to adjacent lands.

Subdivider: Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land to be divided.

Subdivision: (Includes *Resubdivision* and *Additions*) Subdivision, Resubdivision or Addition of land, as used in this Ordinance, shall be held and construed to include all of the following new uses or utilizations of a particular tract of land within the City of Decatur, Texas, or its extraterritorial jurisdiction:

1. Any division of an existing tract of land in two or more parts (by lots, by metes and bounds or by any other method of subdivision or conveyance) for the purpose of thereby creating separate lots for ownership, usage or building purposes, and
2. Any division of an existing tract of land in two or more parts for laying out any suburban lots or building lots, or any lots, streets, alleys or parks or
3. Other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, and
4. Any division of a lot or tract of land formerly in single ownership (that is, ownership by one person or more than one person who own undivided interests in the whole of such tract or lot) in two or more parts for separate or different ownership of the divided parts, whether accomplished by conveyance, partition or in

any other manner, and

5. Any lot not recorded as a part of a subdivision of the City, or a lot and a fractional part of any adjoining lot, or the fractional part of two adjoining lots, on which the owner or any person makes application for a building permit for any structure on such unrecorded lot or combined lots or parts thereof, and
6. Any other subdivision or resubdivision of land

contemplated by the provisions of Article 974a, *Texas Revised Civil Statutes*.

Surveyor: A Licensed State Land Surveyor or a Registered Professional Land Surveyor as authorized by the Texas State statutes to practice the profession of surveying.

Utility Easement: See *Easement*.

CHAPTER 3

GENERAL SUBDIVISION DEVELOPMENT

SECTION 301 GENERAL

All property not subdivided into lots, blocks and streets, or property to be resubdivided, within the City or within its jurisdiction shall hereafter be laid out subject to the approval of both the Planning and Zoning Commission and the City Council and no other subdivision will be recognized by the City.

Prior to the consideration of the plans and plats by the Planning and Zoning Commission, the Planning Director and his/her duly authorized representatives shall check the submittal and make recommendations.

SECTION 302 PROCEDURE SUMMARY

302.1 Conformance to Procedure. Any owner or Developer of any lot, tract or parcel of land located within the corporate limits of the City or within its jurisdiction who may wish to effect a subdivision of such land shall conform to the general procedure described as follows:

1. Pre-application Conference.
2. Preliminary Plat.

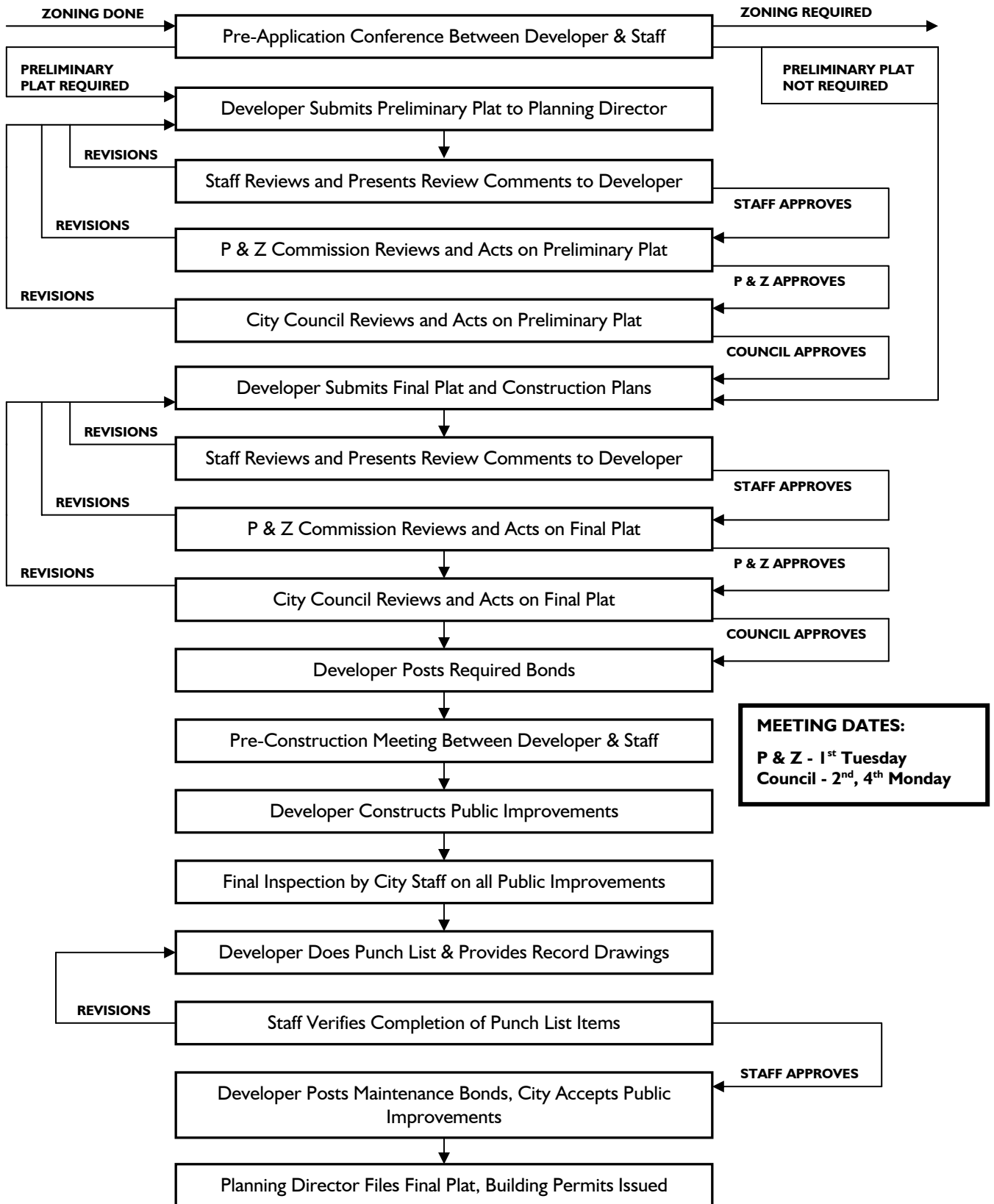
3. Final Plat and Construction Plans.
4. Posting of Performance Bonds.
5. Construction Improvements.
6. Posting of Maintenance Bonds.
7. City Acceptance of Improvements.
8. Filing of the Final Plat.

302.2 Unauthorized Changes Prohibits Filing. Any change in the Preliminary Plat directed by the City Planning and Zoning Commission or City Council, unless accepted by the subdivider and the Final Plat so changed, shall prohibit the Developer from recording the Final Plat.

302.3 Detailed Steps in Following Chapters. The detailed steps within each phase of the subdivision development procedure are covered in the remaining chapters of this Ordinance.

302.4 Subdivision Development Procedure Chart. A flow chart indicating the sequence of the steps involved in obtaining approval for subdivision development is shown on the following page.

SUBDIVISION DEVELOPMENT PROCEDURE CHART



CHAPTER 4

PRE-APPLICATION CONFERENCE

SECTION 401 GENERAL

401.1 Purpose. The purpose of the Pre-application Conference is to give the Developer an opportunity to:

1. Discuss the proposed development with the Director of Public Works, the Planning Director and the City Engineer, and
2. Obtain copies of all forms, publications, design criteria, *Comprehensive Master Plan* criteria and standards available from the City, and
3. Determine whether the current zoning is appropriate for the proposed development or if rezoning may be required, and
4. Determine whether a Preliminary Plat is required for the development.

401.2 Requirements may be Waived. The Pre-application Conference and Pre-application Plan requirement may be waived at the Planning Director's discretion.

401.3 Conference to Streamline Process. The plan submittal and the conference provide an opportunity for the Developer and the City to communicate and streamline the platting process.

SECTION 402 SUBMITTAL

The submittal for the Pre-application Conference shall be as follows:

1. The Pre-application Plan shall be clearly labeled "Pre-Application Plan."
2. A minimum of four (4) sets of the Pre-application Plan shall be submitted to the City at least one week prior

to the scheduled conference.

3. The Pre-application Plan shall be drawn to a scale such that the maximum possible detail is shown and still fit on an 18" x 24" or 24" x 36" sheet size (folded to 8 ½" x 11" when submitted to City). Only scales 1:10, 1:20, 1:30, 1:40, 1:50, 1:100, or 1:200 accepted.
4. The Pre-application Plan shall contain a title block that clearly indicates the name, address and phone number of the Developer and the Engineer or Surveyor responsible for the design or survey. The block shall also contain the scale and date.
5. The Pre-application Plan shall clearly show the limits of the development with North clearly indicated.
6. The Pre-application Plan shall specify the gross area of the subdivision, the proposed number of residential lots, including the individual lot areas and the approximate area of parks and other non-residential uses.
7. The Pre-application Plan shall have a location map that clearly defines the location of the site within the City.
8. The Pre-application Plan shall include a narrative description in as much detail as possible that describes the current and proposed uses and activities. It shall include the current and planned uses for the abutting properties.
9. The Pre-application Plan shall contain existing zoning for the site and for all adjacent properties.

SECTION 403 EXPIRATION

The Pre-application Plan shall expire 12 months after the submittal date unless a Preliminary Plat is approved by City Council.

CHAPTER 5

PRELIMINARY PLAT

SECTION 501 GENERAL REQUIREMENTS

501.1 Preliminary and Final Plat Required. For all property which must be platted, both a Preliminary Plat and a Final Plat are required.

501.2 Preliminary Before Final. No Final Plat will be accepted for consideration if the Planning and Zoning Commission and the City Council have not approved the Preliminary Plat.

501.3 Requirement Waived. For property which is less than three (3) acres and contains no infrastructure improvements to be dedicated to the City, the Planning Director may waive this requirement.

501.4 No Subdivision without Final Plat. No subdivision of land shall be allowed without proper submittal, approval and adoption of a Final Plat.

501.5 Registered Surveyor Required. All plats, whether preliminary, final, replats or amendments, must be prepared by a Registered Professional Surveyor.

501.6 Licensed Engineer Required. A Licensed Professional Engineer in the State of Texas in accordance with this Ordinance must prepare the Construction Plans and Specifications for Improvements.

501.7 Positive Recommendation not Acceptance. It is to be understood that recommending approval of the Preliminary Plat by the Planning and Zoning Commission does not constitute official acceptance of the proposed subdivision by the City.

501.8 No Field Work until Approval. There shall be no work done in the field on the proposed subdivision until the Final Plat has been approved. Preliminary site grading will be considered on a case-by-case basis, but only after submittal, approval and installation of an erosion control plan.

501.9 Compliance Required. All preliminary plats shall comply with other adopted codes whether specified herein or not, including, but not limited to, the *Design Standards*, *Master Plan* and the *Zoning Ordinance*.

SECTION 502 APPLICATION

502.1 Initial Review. The Developer shall provide three (3) 18" x 24" or 24" x 36" bond copies of the Preliminary Plat for initial review, comments and corrections.

502.2 Submittal. After addressing comments and making corrections based on the initial review, the Developer shall provide ten (10) 18" x 24" or 24" x 36" bond copies of the Preliminary Plat.

502.3 Fees and Application Required. The submittal shall include payment of the required fees and a completed City application. The City will consider no Preliminary Plat until the prescribed fees have been paid in full.

SECTION 503 REVIEW PROCESS (See Procedure Chart)

503.1 Conformity Review. Upon receipt of the Preliminary Plat and the required filing fees and application, the Planning Director shall check the Plat as to its conformity with the *Design Standards*, *Master Plan*, *Zoning Ordinance* and all other applicable standards.

503.2 Engineer's Review. The Planning Director shall transmit one (1) copy of the Preliminary Plat to the City Engineer who shall check the same for conformity with applicable engineering standards and specifications set forth herein, as well as with generally accepted engineering principles when not covered specifically herein.

503.3 Comments to Developer. The City Engineer shall return comments on the Preliminary Plat to the Planning Director with suggestions as to modifications, additions, alterations or other matters pertinent to the Preliminary Plat. The Planning Director shall submit the Engineer's comments and all other staff comments to the Developer for corrections.

503.4 Changes to Plat. Developer shall make changes according to comments provided and resubmit to Planning Director.

503.5 Approved Plats on Agenda. After all corrections are made and approved by the City Engineer and Planning Director, the Planning Director shall place item on agenda for consideration by the Planning and Zoning Commission and City Council.

503.6 Comments Available. The Planning Director shall make the City Engineer and Staff suggestions available to the Planning and Zoning Commission and the City Council.

SECTION 504 FORM AND CONTENT

504.1 General. The Preliminary Plat shall include the following general information:

1. The Preliminary Plat shall be drawn to a scale such that the maximum possible detail is shown and still fit on an 18" x 24" or 24" x 36" sheet size (folded to 8 1/2" x 11" when submitted to the City). Only scales 1:10, 1:20, 1:30, 1:40, 1:50, 1:100 or 1:200 accepted.
2. Include the name and address of the Developer and the Engineer or Surveyor responsible for the design or survey, tract designation and other descriptions according to the abstract and survey records of Wise County, Texas.
3. Include the proposed name under which the subdivision is to be recorded. The name shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within five miles of the current City Limits.
4. The Preliminary Plat shall include an accurate location of the subdivision with reference to the abstract and survey records of Wise County, Texas.
5. Include the name and recording information for any contiguous subdivisions, the location of any contiguous lots, the name of owners and recording information for any contiguous parcels of unsubdivided land and an indication of whether contiguous properties are platted and filed of record.
6. Include a vicinity map showing location of tract by reference to existing streets or highways.
7. The Preliminary Plat shall include the location of city limit lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary.
8. Include conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
9. Include the date of preparation, the scale of the

drawing and a north arrow.

10. The following notice shall be placed on face of the Preliminary Plat:

PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY

11. The Preliminary Plat shall name the responsible entity for the operation and maintenance of any building, park, equipment, pools, plantings, lawns or other legal interests, if it is proposed that they are to be shared by owners of the real property within the subdivision.
12. Private restrictions.
13. North arrow, drawing scale, date of preparation and a vicinity map.
14. Certification by a Registered Professional Land Surveyor to the effect that the plat represents a survey made by the surveyor and that all the monuments shown thereon actually exist and that their location, size and material description are correctly shown (see *example below*).

STATE OF TEXAS	§	
	§	CERTIFICATE OF SURVEYOR
COUNTY OF WISE	§	
<p>I, the undersigned, a (<u>registered professional land surveyor</u>) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.</p> <p>(Surveyor's Seal)</p> <p style="text-align: right;">Registered Professional Land Surveyor</p> <p style="text-align: right;">Date: _____</p>		

15. A certificate of ownership and dedication of all streets, alleys, parks, easements, trails and playgrounds to public use forever by all owners and Lien Holders of the land, with a certificate of acknowledgment by a Notary Public, along with a complete and accurate metes and bounds description of the boundary of the land to be subdivided and the streets to be dedicated (see *example on following page*).
16. Letters of approval for acceptance by the following entities and/or utilities as affected by the property being platted:
 - i. Electric
 - ii. Natural Gas

- iii. Telephone
- iv. Cable Television
- v. School district
- vi. Texas Department of Transportation
- vii. Any other holder of dedicated easements or rights-of-way within or immediately adjacent to property.

STATE OF TEXAS	§	
	§	OWNER'S ACKNOWLEDGMENT & DEDICATION
COUNTY OF WISE	§	

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the _____ subdivision to the City of Decatur, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

Owner

Date: _____

STATE OF TEXAS	§	
	§	
COUNTY OF WISE	§	

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____, ____.

NOTARY PUBLIC

_____ County, Texas

THE CITY COUNCIL OF DECATUR, TEXAS ON THE _____ DAY OF _____, _____, VOTED AFFIRMATIVELY TO CONDITIONALLY APPROVE PREPARATION OF A FINAL PLAT SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

504.2 Property. The Preliminary Plat shall include the following property information:

1. Provide the location of existing blocks, lots, building lines, water courses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected. Principal dimensions and all significant information relative to the property and within 100' on all sides of the subject property shall be shown.
2. Provide the tract designation and other description according to the real estate records of the City or County Assessor and Recorder. The plat shall also show the proposed use designation of the area of land within the subdivision.
3. Include primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
4. Accurate location, material and approximate size of all monuments, including the location of a minimum of two permanent benchmarks used to establish the 100-year flood plain and minimum finished floor elevations.
5. All property corners shall be referenced to City approved coordinates.
6. Include subdivision boundary lines, accurate in scale and indicated by heavy lines, of the total area proposed for subdivision and the computed acreage of the total area. Bearing and length of each boundary line shall be shown on the plat. A description by metes and bounds of the subdivision perimeter must be shown on the plat.
7. Include the location and dimensions of all existing and proposed right-of-ways, alleys, reservations, easements or other public right-of-ways within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
8. Include all existing, or recorded, and proposed residential lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.

17. The following certificates shall be placed on the Preliminary Plat:

THE PLANNING AND ZONING COMMISSION OF DECATUR, TEXAS ON THE _____ DAY OF _____, _____ VOTED AFFIRMATIVELY TO RECOMMEND CONDITIONAL APPROVAL OF THIS PRELIMINARY PLAT, SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: _____
CHAIRMAN

ATTEST: _____
CITY SECRETARY

DECATUR SUBDIVISION ORDINANCE 2000

9. Include front building setback lines on all lots and sites. Side yard building setback lines shall be shown at street intersections and crosswalks.
10. Include the location and dimensions of all lots and blocks with bearings, distances and all relevant curve data proposed for inclusion in the first phase of development.
11. Include the gross area of the subdivision, the proposed number of residential lots and the area of the individual lots and the approximate area of parks and other non-residential uses.
12. Identify each lot and block with a number or letter. List the street address for each lot as provided by the Planning Director.
13. Indicate proposed phases for final platting.

504.3 Public Utilities. The Preliminary Plat shall include the following public utility information:

1. The Preliminary Plat shall include all existing sewers, water mains, gas mains, electric and telephone lines, culverts or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes and locations indicated.
2. In the event water mains and sewers are not on or adjacent to the tract, indicate the direction, distance and size of the destination mains, including invert elevations of the sewer lines.
3. The size and location of all proposed water distribution mains, including valves and fire hydrants, may be required.
4. The size and location of all proposed sewer mains, including manholes, preliminary grades for each main between manholes and the depth of each manhole may also be required.

504.4 Park Dedication. The Preliminary Plat shall show all areas proposed for park dedication.

504.5 Landscaping. The Preliminary Plat shall show all proposed areas for landscaping.

504.6 Buffers. The Preliminary Plat shall show all proposed buffers.

504.7 Green Space. The Preliminary Plat shall show all proposed green space.

504.8 Streets. The Preliminary Plat shall include the

following street information:

1. Indicate all existing and proposed streets within and abutting the proposed subdivision. All streets shall conform to the *Design Standards* and the *Master Plan*. All pavement widths shall be dimensioned perpendicular to the direction of travel and shall be clearly shown on the Preliminary Plat.
2. When the Preliminary Plat includes curved streets, all relevant curve data including arc lengths, radii, internal angles, points of curvature, and length and bearing of tangents shall be shown. For lots facing on curved streets, the cord length of the lot at the front building setback line shall be shown.

504.9 Drainage. The Preliminary Plat shall include the following drainage information:

1. The Preliminary Plat shall include topographical information including contour lines on a basis of five foot intervals in terrain with a slope of five percent or more and on a basis of one foot intervals in terrain with a slope of less than five percent. All elevations shall be on U.S. Coast and Geodetic Survey datum or referenced to a City benchmark on the same datum. The datum used shall be specified on the drawing.
2. Any proposed changes in topography shall be shown by contour lines on a basis of one (1) foot intervals.
3. Include a description of contributing drainage to the proposed subdivision. The submittal shall include the area, slope and type of development in the contributing area.
4. Include the locations of discharge for drainage from the proposed development, including contributing areas. All drainage must be planned and constructed in accordance with the *Master Plan* and in the best interests of the immediate and adjacent properties.
5. Indicate the location, dimension, description and flow line of existing and proposed drainage structures and the location, flow line and 100-year flood plain and floodway boundaries of existing water courses within the subdivision or contiguous tracts.
6. Include the width of drainage and other easements, conforming to the *Design Standards* referenced as part of this Ordinance.

SECTION 505 TRAFFIC STUDY

505.1 Purpose. The purpose of a traffic study is to determine the traffic flow and safety on street facilities within the city limits of the City of Decatur, Texas. The intent of these studies is to protect the general health, safety and welfare of the public by reducing traffic congestion, improving traffic safety and flow and ensuring that traffic to be generated from the proposed development can be adequately and safely served by the existing and future street system.

505.2 Study Required. For any property to be submitted that the City feels will have a significant traffic impact, the City may require that the Developer provide, at the Developer's expense, a traffic study of the proposed development.

505.3 Submittal. Three (3) copies of this study shall be submitted for review concurrently with the submittal of the Preliminary Plat.

505.4 Licensed Engineer Required. The traffic study shall be prepared and sealed by a Licensed Professional Engineer in the State of Texas.

505.5 Revisions Required. Prior to Preliminary Plat approval, revisions to the traffic study shall be made as required by the City.

SECTION 506 DRAINAGE STUDY

506.1 Purpose. The purpose of a drainage study is to determine the drainage flow, ensure safety from flooding and to verify that the proposed development can be adequately served by existing and proposed drainage facilities. The intent of the drainage study is to protect the general health, safety and welfare of the public by reducing the risk of flooding private property and public right-of-ways.

506.2 Study Required. The City may require that the owner provide, at the owner's expense, a drainage study of the proposed development.

506.3 Submittal. Three (3) copies of this study shall be submitted for review concurrently with the submittal of the Preliminary Plat.

506.4 Licensed Engineer Required. The drainage study shall be prepared and sealed by a Licensed Professional

Engineer in the State of Texas.

506.5 Revisions Required. Prior to Preliminary Plat approval, revisions to the drainage study shall be made as required by the City.

SECTION 507 METHOD OF APPROVAL

The method of approval and approval sequence are as follows:

1. Following the satisfactory review of the Preliminary Plat, plans and other materials shall be submitted for conformity to the regulations of this Ordinance and other City codes.
2. The Planning and Zoning Commission shall, within 45 days, act on the submittal. If approved, the Planning and Zoning Commission shall indicate the conditions of approval. One such condition shall be the filing of a Final Plat.
3. If disapproved, the Commission shall, upon request of applicant, state the grounds for disapproval in writing within a reasonable time after the request is made.
4. After recommending approval of a Preliminary Plat by the Planning and Zoning Commission, the same shall be forwarded to the City Council for consideration and approval or disapproval.

SECTION 508 PLAT EXPIRATION

The Preliminary Plat expires 12 months after City Council approval unless a Final Plat for the property, consistent in all respects with the approved Preliminary Plat, has been submitted for approval.

If the subdivision is to be constructed in phases, the Preliminary Plat will remain valid as long as no more than two (2) years time passes between approval of the final plat for a phase and the submittal of the final plat for approval of the subsequent phase and each phase incorporates at least 25 percent (by lot count) of the approved Preliminary Plat.

The Preliminary Plat may also be extended once for a time not to exceed 6 months with City Council approval by filing a written request prior to the plat's expiration.

CHAPTER 6

FINAL PLAT AND CONSTRUCTION DOCUMENTS

SECTION 601 GENERAL REQUIREMENTS

601.1 Preliminary and Final Plats Required. For all property which must be platted, both a Preliminary Plat and a Final Plat are required.

601.2 Preliminary Plat Before Final Plat. An approved Preliminary Plat, if required must first precede Final Plats.

601.3 No Subdivision without Final Plat. No subdivision of land shall be allowed without proper submittal, approval and adoption of a Final Plat.

601.4 Registered Surveyor Required. A Registered Professional Surveyor shall prepare all plats, whether preliminary, final, replats or amendments.

601.5 Licensed Engineer Required. A Licensed Professional Engineer in the State of Texas in accordance with this Ordinance must prepare the Construction Plans and Specifications for Improvements.

601.6 Positive Recommendation not Acceptance. It is to be understood that recommending approval of the Final Plat by the Planning and Zoning Commission does not constitute official acceptance of the proposed subdivision by the City.

601.7 No Field Work until Approval. There shall be no work done in the field on the proposed development until the Final Plat has been approved. Preliminary site grading will be considered on a case-by-case basis, but only after the submittal, approval and installation of an erosion control plan.

601.8 Compliance Required. All Final Plats shall comply with other adopted codes whether specified herein or not, including, but not limited to, the *Design Standards, Master Plan* and the *Zoning Ordinance*.

601.9 Impact Fees. At the time the Building Permit is issued, the impact fee shall be assessed for the amount per service unit currently in effect, as set forth in the *Impact Fee Ordinance* and the City's *Fee Schedule*.

SECTION 602 APPLICATION

602.1 Initial Review. The Developer shall provide three (3) 18" x 24" or 24" x 36" bond copies of the Final Plat for

initial review, comments and corrections.

602.2 Submittal. After addressing comments and making corrections based on the initial review, the Developer shall provide eighteen (18) 18" x 24" or 24" x 36" bond copies and two (2) 18" x 24" or 24" x 36" mylar copies of the Final Plat and fifteen (15) copies of complete Construction Plans.

602.3 Fees and Application Required. The submittal shall include payment of the required fees and a completed City application. The City will consider no Final Plat until the prescribed fees have been paid in full.

602.4 Tax Certificates Required. The Final Plat submittal shall include certificates from the City, School District and County Tax Collectors showing that all City, School District and County taxes on the land being subdivided have been paid to the current year.

SECTION 603 PORTIONS OR PHASING

If desired by the Developer and approved by the City Council, the Final Plat may constitute only that portion of the approved Preliminary Plat which the Developer proposes to record and develop; however, such portion shall conform to all the requirements of this Ordinance.

If Final Plats are submitted for approval by portions or phases of the proposed subdivision, each portion or phase shall carry the name of the entire subdivision and shall bear a distinguishing letter, number or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be approved in phases.

SECTION 604 REVIEW PROCEDURE (See Procedure Chart)

604.1 Conformity Review. Upon receipt of the Preliminary Plat and the required filing fees and application, the Planning Director shall check the Plat as to its conformity with the *Design Standards, Master Plan, Zoning Ordinance* and all other applicable standards.

604.2 Engineer's Review. The Planning Director shall transmit one (1) copy of the Final Plat and Construction Plans to the City Engineer who shall check for the same conformity with applicable engineering standards and specifications set forth herein, as well as with generally accepted engineering principles when not covered

specifically herein.

604.3 Comments to Developer. The City Engineer shall return comments on the Final Plat and Construction Plans to the Planning Director with suggestions as to modifications, additions, alterations or other matters pertinent to the Final Plat and the Construction Plans. The Planning Director shall submit the Engineer's comments and all other staff comments to the Developer for corrections.

604.4 Changes to Plat. Developer shall make changes according to comments provided and resubmit to Planning Director.

604.5 Approved Plats on Agenda. After all corrections are made and approved by the City Engineer and Planning Director, the Planning Director shall place item on agenda for consideration by the Planning and Zoning Commission and City Council.

604.6 Comments Available. The Planning Director shall make the City Engineer and Staff suggestions available to the Planning and Zoning Commission and the City Council.

SECTION 605 FORM AND CONTENT

605.1 General. The Final Plat shall include the following general information:

1. The Final Plat shall be drawn to a scale such that the maximum possible detail is shown and still fit on an 18" x 24" or 24" x 36" sheet size. Only scales of 1:10, 1:20, 1:30, 1:40, 1:50, 1:60, 1:100 or 1:200 accepted.
2. The Final Plat shall also be supplied in electronic format.
3. Include the name of the proposed Development, the name and address of the Developer and the Engineer or Surveyor responsible for the design or survey, tract designation and other descriptions according to the abstract and survey records of Wise County, Texas.
4. Include the proposed name under which the subdivision is to be recorded. The name shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within five miles of the current City Limits.
5. The Final Plat shall include an accurate location of the subdivision with reference to the abstract and survey records of Wise County, Texas.

6. Include the name and recording information for any contiguous subdivisions, the location of any contiguous lots, the name of owners and recording information for any contiguous parcels of unsubdivided land and an indication of whether contiguous properties are platted and filed of record.
7. The Final Plat shall include the location of city limit lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary.
8. Include conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
9. The following notice shall be placed on the face of the Final Plat:

FINAL PLAT

10. The Final Plat shall name the responsible entity for the operation and maintenance of any building, park, equipment, pools, plantings, lawns or other legal interests, if it is proposed that they are to be shared by owners of the real property within the subdivision.
11. Private restrictions.
12. North arrow, drawing scale, date of preparation and a vicinity map.
13. Certification by a Registered Professional Land Surveyor to the effect that the plat represents a survey

STATE OF TEXAS §
 § CERTIFICATE OF SURVEYOR
COUNTY OF WISE §

I, the undersigned, a (registered professional land surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal)

Registered Professional Land Surveyor

Date: _____

made by the surveyor and that all the monuments shown thereon actually exist and that their location, size and material description are correctly shown (see *example above*).

14. A certificate of ownership and dedication of all streets, alleys, parks, easements, trails and playgrounds to public use forever, signed and acknowledged before a Notary Public by all owners and Lien Holders of the land, along with a complete and accurate metes and bounds description of the boundary of the land to be subdivided and the streets to be dedicated (see *example on right*).
15. Letters of approval for acceptance by the following entities and/or utilities as affected by the property being platted.
 - i. Electric
 - ii. Natural Gas
 - iii. Telephone
 - iv. Cable Television
 - v. School district
 - vi. Texas Department of Transportation
 - vii. Any other holder of dedicated easements or rights-of-way within or immediately adjacent to property.
16. The following certificates shall be placed on the Final Plat:

ON THE _____ DAY OF _____, _____, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
CITY SECRETARY

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, _____, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

605.2 Property. The Final Plat shall include the following property information:

1. Provide the location of existing blocks, lots, building lines, water courses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected. Principal dimensions and all significant information relative to the property and within 100' on all sides of the subject property shall be shown.
2. Provide the tract designation and other description according to the real estate records of the City or County Assessor and Recorder. The plat shall also show the proposed use designation of the area of land

STATE OF TEXAS	§	
	§	OWNER'S ACKNOWLEDGMENT & DEDICATION
COUNTY OF WISE	§	
<p>I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:</p> <p style="text-align: center;">(Metes and Bounds Description of Boundary)</p> <p>and designated herein as the _____ subdivision to the City of Decatur, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.</p> <p>_____ Owner</p> <p>Date: _____</p> <p>STATE OF TEXAS § § COUNTY OF WISE §</p> <p>BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.</p> <p>Given under my hand and seal of office this _____ day of _____, ____.</p> <p style="text-align: right;">_____ NOTARY PUBLIC _____ County, Texas</p>		

within the subdivision.

3. Include primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
4. Accurate location, material and approximate size of all monuments, including the location of a minimum of two permanent benchmarks used to establish the 100-year flood plain and minimum finished floor elevations.
5. All property corners shall be referenced to City approved coordinates.
6. Include subdivision boundary lines, accurate in scale and indicated by heavy lines, of the total area proposed for subdivision and the computed acreage of the total area. Bearing and length of each boundary line shall be

shown on the plat. A description by metes and bounds of the subdivision perimeter must be shown on the plat.

7. Include the location and dimensions of all existing and proposed right-of-ways, alleys, reservations, easements or other public right-of-ways within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
8. Include all existing, or recorded, and proposed residential lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.
9. Include front building setback lines on all lots and sites. Side yard building setback lines shall be shown at street intersections and crosswalks.
10. Include the location and dimensions of all lots and blocks with bearings, distances and all relevant curve data proposed for inclusion in the first phase of development.
11. Include the gross area of the subdivision, the proposed number of residential lots and the area of the individual lots and the approximate area of parks and other non-residential uses.
12. Identify each lot and block with a number or letter. List the street address for each lot as provided by the Planning Director.
13. Indicate the proposed phase to be final platted.

605.3 Public Utilities. The Final Plat shall include the following public utility information:

1. All existing sewers, water mains, gas mains, electric and telephone lines, culverts or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes and locations indicated.
2. In the event water mains and sewers are not on or adjacent to the tract, indicate the direction, distance and size of the destination mains, including invert elevations of the sewer lines.
3. The size and location of all proposed water distribution mains, including valves and fire hydrants, may be required.
4. The size and location of all proposed sewer mains, including manholes, preliminary grades for each main between manholes and the depth of each manhole may

also be required.

605.4 Park Dedication. The Final Plat shall show all areas proposed for park dedication.

605.5 Landscaping. The Final Plat shall show all proposed areas for landscaping.

605.6 Buffers. The Final Plat shall show all proposed buffers.

605.7 Green Space. The Final Plat shall show all proposed green space.

605.8 Streets. The Final Plat shall include the following street information:

1. Indicate all existing and proposed streets within and abutting the proposed subdivision. All streets shall conform to the *Design Standards* and the *Master Plan*. All pavement widths shall be dimensioned perpendicular to the direction of travel and shall be clearly shown on the Preliminary Plat.
2. When the Final Plat includes curved streets, all relevant curve data including arc lengths, radii, internal angles, points of curvature, and length and bearing of tangents shall be shown. For lots facing on curved streets, the cord length of the lot at the front building setback line shall be shown.

605.9 Drainage. The Final Plat shall include the following drainage information:

1. Topographical information including contour lines on a basis of five (5) foot intervals in terrain with a slope of five (5) percent or more and on a basis of one (1) foot intervals in terrain with a slope of less than five (5) percent. All elevations shall be on U.S. Coast and Geodetic Survey datum or referenced to a City benchmark on the same datum. The datum used shall be specified on the drawing.
2. Any proposed changes in topography shall be shown by contour lines on a basis of one (1) foot intervals.
3. A description of contributing drainage to the proposed subdivision. The submittal shall include the area, slope and type of development in the contributing area.
4. Locations of discharge for drainage from the proposed development, including contributing areas. All drainage must be planned and constructed in accordance with the *Master Plan* and in the best interests of the immediate and adjacent properties.

5. The location, dimension, description and flow line of existing and proposed drainage structures and the location, flow line and 100-year flood plain and floodway boundaries of existing water courses within the subdivision or contiguous tracts.
6. Width of drainage and other easements, conforming to the *Design Standards* referenced as part of this Ordinance.

SECTION 606 AGREEMENT TO INDEMNIFY CITY

Prior to Final Plat approval by the City Council, all Developers for any subdivision or re-subdivision of land, shall be required to execute and file with the City Secretary a written agreement to indemnify and hold harmless the City from any and all judgments, claims, demands or causes of action of any nature whatsoever occasioned by or arising out of the inadequate or improper surface drainage of said subdivision or re-subdivision for a period of five (5) years from the date of approval by the City Council of the Final Plat of the said subdivision or re-subdivision.

SECTION 607 RESTRICTIONS AND PURCHASE CONTRACTS

The restrictions and the purchase contract shall notify lot owners that houses to be built on lots which are lower than the road or roads on which they front and/or abut shall be built such that the minimum finished floor elevation is at least one (1) foot above the proposed grade of the yard adjacent to the house. This is to reduce the risk from damage to houses caused by storm water drainage.

The restrictions shall notify property owners that no houses shall be built in a 100-year flood plain. In no case shall the minimum finished floor elevation be less than 1 foot above the 100-year flood plain elevation.

The restrictions shall notify lot owners that any filling or obstruction of the flood plain or drainage easements is prohibited.

SECTION 608 CONSTRUCTION PLANS

608.1 General. Construction Plans shall include the following:

- I. All improvements shall be designed in accordance with the *Design Standards* and *Master Plan* referenced as part of this Ordinance.

2. Fifteen (15) copies of complete construction plans, specifications, engineering calculations and detailed cost projections for streets, drainage, sanitary sewers, water distribution, and any other improvements to be constructed, are required to be submitted with the Final Plat. Construction plans must be 100% complete at the time of submittal. Any incomplete sets of construction plans shall be returned unreviewed.
3. The Construction Plans shall be submitted on standard 18" x 24" or 24" x 36" sheets.
4. Each sheet of the Construction Plans shall contain a title block, including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date that the revision was made.
5. Each sheet of the Construction Plans shall include north arrow, scale, date and benchmark description to sea level datum.
6. The Specifications and each Construction Plan sheet shall bear the seal and signature of the Licensed Professional Engineer in the State of Texas who prepared the plans.

608.2 Paving Plan. The Construction Plans shall include the following:

1. The Construction Plans, at a minimum, shall include a plan and profile of each street with stationing, top of curb grades, if applicable, or street centerline, borrow ditch flowline and existing and proposed ground lines. The typical cross-section of proposed streets shall show the width of roadway, pavement type and location and width of sidewalk.
2. Three (3) copies of the geotechnical report recommendations for pavement thickness and subgrade preparation, as required by the *Design Standards*, shall be submitted with the Construction Plans.

608.3 Sanitary Sewer and Water Plan. The Construction Plans, at a minimum, shall include a plan and profile of proposed sanitary sewers with stationing, grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants and fittings, etc. Applicable construction details shall be included with the Construction Plans.

608.4 Storm Drainage Plan. Regarding storm drainage, the Construction Plans shall include the following:

1. The Construction Plans shall include a general location map of the subdivision showing the entire watershed (a U.S.G.S. quadrangle is satisfactory) and the limits of all on-site and off-site storm water draining to the project.
2. The Construction Plans shall include calculations showing the anticipated storm water flow, including watershed area, percent runoff, runoff factors, storm intensity and time of concentrations showing basis for design.
3. The Construction Plans shall include a plan and profile of proposed storm sewers or channels, showing stationing, hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc.
4. The Construction Plans shall include a detailed plan for any bridges, culverts, catch basins, any other drainage structures or any other improvements to be made and shall include all of the following:
 - i. The open channel or storm drain grades, design flow, design velocity, capacity and hydraulic grade line.
 - ii. A plan and profile of all culverts under any street with the design flow of water, headwater and tailwater depth and tail water velocity.
 - iii. The size of all driveway culverts to carry the design flow of water at each point of installation.
 - iv. Typical ditch sections and the width of any right-of-way or easement needed.
 - v. A summary sheet of all drainage facilities.
 - vi. The seal and signature, prominently displayed on each sheet, of the Licensed Professional Engineer responsible for the design.
5. The plat shall notify lot owners that any filling or obstruction within the flood plain and drainage easements shall be prohibited.

608.5 Grading Plan. Any proposed changes in topography shall be shown by contour lines on a basis of five (5) foot intervals in terrain with a slope of five (5) percent or more and on a basis of one (1) foot intervals in terrain with a grade less than five (5) percent.

608.6 Erosion Control Plan. The Developer shall submit an Erosion Control Plan in compliance with local, state and federal guidelines.

608.7 Landscape Plan. The Developer shall submit a Landscape Plan.

608.8 Buffer Plan. The Developer shall submit a Buffer Plan.

608.9 Green Space Plan. The Developer shall submit a Green Space Plan.

SECTION 609 DESIGN SUMMARY

A separate document or report entitled "Engineering Design Summary" may be required as directed by the City Engineer and included with the submittal of the Construction Plans and Specifications. It shall summarize calculations and other such engineering information pertaining to the major items of design. It shall be used during the review to determine whether the facilities proposed for construction have been designed in accordance with the intent of the *Design Standards*.

SECTION 610 METHOD OF APPROVAL

The method of approval and approval sequence are as follows:

1. Upon receipt, the Planning Director will check the Final Plat application for completeness, including filing fees.
2. After approval by the Planning Director, the Final Plat application will be sent to the Planning and Zoning Commission for recommendation and then to the City Council for approval.
3. If the City Council has indicated its approval subject to certain changes being made by the applicant, the Engineer for the applicant shall make all such changes and submit the final drawing for approval by the City Engineer prior to the signing of the certificate of approval.
4. After the Final Plat and Construction Plans have been approved by the City Council, and before construction of any improvements the Developer shall furnish the City with five (5) sets of the approved Construction Plans and Specifications.

SECTION 611 WITHDRAWING PLAT APPLICATION

At any time during the platting process, the applicant may make a request in writing that the Final Plat be withdrawn from the present consideration of the City Council, as the case may be. Such written request abandons the initial filing date with such body and designates a subsequent date to be the new filing date for the Final Plat before that body. The applicant may be permitted, without the necessity of paying an additional filing fee, to withdraw and refile the Final Plat with such body on the new filing date designated in the written request.

SECTION 612 EXPIRATIONS

612.1 Construction Plan Expiration. If construction has not commenced within one year after approval of the Construction Plans, resubmittal of Construction Plans, which comply with the current Subdivision Ordinance, shall be resubmitted to the City for review. The Planning Director may require additional filing fees.

612.2 Final Plat Expiration. The Final Plat expires two (2) years after City Council approval, unless construction has commenced and all the requirements of this Ordinance, prior to construction have been met.

If the subdivision is to be constructed in phases, the final plat will remain valid as long as no more than two (2) years time passes between approval of the construction plans for

a phase and the submittal of the construction plans for approval of the subsequent phase.

The final plat may also be extended once for a length of time not to exceed 6 months with City Council approval by filing a written request prior to the plat's expiration.

SECTION 613 FILING OF THE FINAL PLAT

613.1 Filing of the Final Plat. After the following criteria are met the Final Plat may be filed with the County:

1. Final Plat is approved by the City Council and all revisions required by the City Council are complete.
2. The Developer has submitted final copies of the Final Plat and Construction Plans and all required signatures have been obtained.
3. All required fees have been paid in full.
4. All public improvements have been constructed, inspected, approved and dedicated to the City.
5. The Developer has provided proof that private restrictions have been filed of record, and
6. The Developer has provided all required maintenance bonds.

CHAPTER 7

REPLATS AND AMENDING PLATS

SECTION 701 GENERAL REQUIREMENTS

701.1 Replats Required. A replat is required for property in which there has been a change in lot allocation, setbacks, dedicated infrastructure or easements.

701.2 Requirement Waived. The Planning Director may waive this requirement.

701.3 Fees Required. Applicable fees per the City's *Fee Schedule* shall accompany Replats.

701.4 Certified Copies Required. Certified copies of the entire subdivision and deed restrictions shall accompany Replats.

701.5 Subject to Final Plat Requirements. Replats are subject to the same requirements as Final Plats, and shall contain the information required by Chapter 6, *Final Plat and Construction Documents*.

701.6 Vacating Plats Required. All property to be replatted shall have the preceding plat vacated unless the Planning Director waives this requirement.

SECTION 702 APPLICATION

702.1 Initial Review. The Developer shall provide three (3) 18" x 24" or 24" x 36" bond copies of the replat for initial review, comments and corrections.

702.2 Submittal. After addressing comments and making corrections based on the initial review, the Developer shall submit ten (10) 18" x 24" or 24" x 36" bond copies and two (2) 18" x 24" or 24" x 36" mylar copies of the replat.

702.3 Fees and Application Required. The submittal shall include payment of the required fees and a completed City application. The City will consider no replat until the prescribed fees have been paid in full.

702.4 Tax Certificates Required. The replat submittal shall include certificates from the City, School District and County Tax Collectors showing that all City, School District and County taxes on the land being replatted have been paid to the current year.

SECTION 703 AMENDING PLATS

The Planning Director may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat,
2. To add a course or distance that was omitted on the preceding plat,
3. To correct an error in a real property description shown on the preceding plat,
4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments,
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat,
6. To correct any other type of scrivener or clerical error or omission previously approved by the Planning Director, including lot numbers, acreage, street names and identification of adjacent recorded plats,
7. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the application for amending the plat, and
 - ii. Neither lot is abolished, and
 - iii. The amendment does not attempt to remove recorded covenants or restrictions, and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement,

9. To relocate one or more lot lines between one or more adjacent lots if:
- i. The owners of all those lots join in the application for amending the plat, and
 - ii. The amendment does not attempt to remove recorded covenants or restrictions, and
 - iii. The amendment does not increase the number of lots.
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- i. The changes do not affect applicable zoning and other regulations of the City of Decatur, and
 - ii. The changes do not attempt to amend or remove any covenants or restrictions, and
 - iii. The area covered by the changes is located in an area that the Planning and Zoning Commission has approved after a public hearing as a residential improvement area.
11. To replat one or more lots fronting on an existing street if:
- i. The owners of all those lots join in the application for amending the plat, and
 - ii. The amendment does not attempt to remove recorded covenants or restrictions, and
 - iii. The amendment does not increase the number of lots, and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
12. Notice, a hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.

CHAPTER 8

CONSTRUCTION

SECTION 801

GENERAL REQUIREMENTS

801.1 Preconstruction Conference Required. A preconstruction conference is required prior to start of any construction. The meeting shall include the Contractor(s), Director of Public Works, Developer Engineer, City Engineer, Planning Director and City Inspector(s). Only one preconstruction meeting will be held.

801.2 Designated Representative Required. If the Developer has divided the construction of the public improvements among more than one contractor, the Developer shall designate one person to represent all of the construction for the development.

SECTION 802

PERFORMANCE AND PAYMENT BOND

802.1 Bond Required Before Construction. Prior to the construction of said improvements, the Developer (being the owner or owners of the subdivision) or the authorized agents thereof, shall be required to furnish to the City a good and sufficient Performance and Payment bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their Construction. The bond must:

1. Be payable to the Mayor or City Secretary, and
2. Be in an amount determined by the City Secretary to be adequate to ensure the proper construction or installation of the water and sewer service facilities to service the subdivision but not to exceed the estimated cost of construction or installation of the facilities, and
3. Be executed with sureties as may be approved by the City Secretary, and
4. Be executed by a company authorized to do business as a surety in this state if the governing body requires a surety bond executed by a corporate surety, and
5. Be conditioned that the water and sewer service facilities will be constructed or installed:
 - i. In compliance with the model rules adopted under Section 1.343, Water code and the ordinances, rules and regulations of the City, and

- ii. Within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

802.2 Cash or Credit In Lieu of Bond. In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution or other acceptable financial guarantee.

802.3 Letter of Credit Requirements. If a letter of credit is issued, it must:

1. List as the sole beneficiary the Mayor or City Secretary, and
2. Be conditioned that the water and sewer service facilities will be constructed or installed:
 - i. In compliance with the model rules adopted under Section 16.343, Water code and the ordinances, rules and regulations of the City, and
 - ii. Within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

SECTION 803

INSPECTIONS

803.1 Inspections Required. All construction, such as street grading, street paving, drainage structures, curb and gutter, storm sewers, sanitary sewers and water mains, shall be subject to inspection during the construction period by the proper authorities of the City.

803.2 Assuring Conformance. During the progress of the work, all materials, equipment and workmanship shall be subjected to such inspections and tests as will assure conformance with the City requirements.

803.3 Testing Laboratory. A testing laboratory approved by the City shall do all testing.

803.4 Test Locations. The City shall select the location of all testing.

803.5 Testing Fees. The Contractor shall pay for all testing.

803.6 Test Coordination. The Contractor is solely responsible for coordination with the testing laboratory, for

scheduling of the tests and for timely delivery of the results to the City.

803.7 Additional Tests. The City may elect to perform additional testing above and beyond that required by the specifications.

SECTION 804 WORK TIMES LIMITED

Work times shall be limited to Monday through Saturday, sunup to sundown unless otherwise authorized by the City.

SECTION 805 FINAL UTILITY INSPECTION

Once the utilities are installed, and prior to the construction of any pavement, the City Inspector, the Director of Public Works, the City Engineer and a contractor's representative shall perform a walk through for all infrastructure placed under a proposed street. All testing associated with the utility installation shall be completed prior to the walk through.

The City Engineer shall prepare a list of items that needs to be completed prior to the commencement of any paving.

SECTION 806 FINAL INSPECTION

The City Inspector, the Director of Public Works, the City Engineer and a Contractor's representative shall perform a final inspection. If the Developer has divided the construction of the public improvements among more than one contractor, the Developer shall designate one person to represent all of the construction for the development. There will be only one final inspection of the development.

The City Engineer shall prepare a list of items that needs to be completed prior to the final acceptance of the project.

SECTION 807 RECORD DRAWINGS

Upon completion of the construction, the Developer shall request a final inspection of the work. The Developer shall provide one (1) good quality full-size reproducible mylar and one (1) full-size blue or black line record drawing. The mylar must be revised by the Developer to reflect construction records prior to the final inspection.

The City Engineer prior to the final acceptance of the subdivision must approve the record drawings. The record drawings shall include a copy of the approved Final Plat.

SECTION 808 MAINTENANCE BOND

808.1 Maintenance Bond Required Upon Completion. Upon completion of said improvements and prior to acceptance by the City, the Developer or the authorized agents thereof, shall be required to furnish to the City a good and sufficient Maintenance Bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their maintenance for a period of two (2) years.

808.2 Cost Estimates. Prior to approval of the Final Plat, the subdivider shall provide *Opinions of Probable Construction Cost* for the construction of water, sanitary sewer, drainage and roadway improvements. A Professional Engineer licensed by the State of Texas shall prepare the *Opinions*.

808.3 Permits Suspended for Non-Compliance. Issuance of building and/or occupancy permits within the subdivision may be suspended during any period of non-compliance with the requirements of this Section.

SECTION 809 ACCEPTANCE BY THE CITY

Once all the requirements of the City have been met, the City Engineer shall recommend acceptance of the subdivision in the form of a letter to the Planning Director.

Acceptance by the City shall be in the form of a letter from the Planning Director or other authorized City Official to the Developer. The letter shall state that inspections were conducted and the facilities were completed in accordance with specifications and standards provided for herein or approved by the City Council at the time the Final Plat was approved for the said subdivision.

SECTION 810 PERMITS AND SERVICES WITHHELD UNTIL FULL COMPLIANCE

No building permit, water, sanitary sewer, plumbing or electrical permit or service shall be issued or allowed to a Developer, owner or any other person with respect to any property in any subdivision, except for temporary construction offices, covered by this Ordinance until such time as all of the applicable requirements of the Ordinance have been satisfactorily completed and the construction accepted by the City and the Final Plat is filed.

